

Consent  
11-13-06

11/13/06

**Maryjane Kenney**

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**From:** Roland Bartl  
**Sent:** Tuesday, November 07, 2006 12:36 PM  
**To:** Manager Department  
**Subject:** FW: Acton/GenPlBd: Planning Board quorum and potential conflict

Hi:

I am hereby forwarding a disclosure statement from Planning Board Chairman Greg Niemyski regarding an upcoming special permit application and hearing before the Planning Board. Please direct this to the Board of Selectmen for action and advise before 11/28/06.

Thank you

Roland Bartl, AICP  
Town Planner, Town of Acton  
472 Main Street  
Acton, MA 01720  
978-264-9636

-----Original Message-----

**From:** Greg Niemyski  
**Sent:** Monday, November 06, 2006 10:03 PM  
**To:** Roland Bartl  
**Subject:** Re: Acton/GenPlBd: Planning Board quorum and potential conflict

Message

**To:** Acton Board of Selectmen

**From:** Greg Niemyski, Chair, Acton Planning Board

**Subj:** Application: Special permit for Telecommunications Facility  
Applicant: Verizon Wireless  
Location: 820 Main Street  
Hearing: Beginning on 11/28/06

**Date:** November 6, 2006

Given that the Planning Board has lost 2 voting members recently due to resignations and that we have only one remaining associate member, the Board is placed into a situation with the pending application (named above) where a quorum of the super majority may be impossible, given members employment obligations or other circumstances.

Under the rules of 40A, I am not a party in interest in the above Application although I live in the vicinity of the proposed facility. It is my opinion that I can render an impartial decision on this matter. The application is for a cell tower special permit within a commercial zone on an already developed site supporting an on going business. This business operation pre-dates my locating to Acton and the purchase of our home.

It is my opinion that, I will not act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy my favor in the performance of my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person.

I would therefore ask that you allow me to continue to chair the Board during these hearings.

Respectfully,

Greg Niemyski